IN THE HIGH COURT OF SIKKIM

ORDER SHEET

Civil Revision No. 1 of 2005.

M/s. Nauratan Mal Ashok Kumar& An Petitioner / Appellant

Versus

Yangzilla Bhutiani Respondent

Serial No. of Order	Date of Order	Order with Signature	Office Note as to action (if any) taken on Order
1.	22-2-2004 rsr/	Heard Mr. J.K. Chandak, learned coulsel for the petitioner. Admit the petition. Call for the records. Let usual notice be issued upon the opposite party to show cause as to why the impugned order dated 3-11-2004 passed by the learned District Judge(East & North), Special Division-II in Civil Suit No.1 of 2003 should not be set aside as prayed for. Notice is made returnable on 17-3-2005. In the meantime, further proceedings of Civil Suit No.1 of 2003 now pending in the Court of the learned District Judge, Special Division-I (as highlighted by the learned counsel) shall remain suspended until further orders of this Court. (N. Surjamani Singh) Chief Justice (Acting).	Records Called for 24-2-05. 24/2 Requisition filed on 24-2-05 and notice issued on 24-2-05 24/2

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2.	17-3-2005 rsr/	Heard Mr. J.K. Chandak, learned counsel for the petitioner and Mr. T.B. Thapa, learned counsel who entered appearance on behalf of the plaintiff/Opposite Party-respondent. The Registry has already received the case record from the Court below and as such the matter is ripe for hearing. As prayed for by Mr. Thapa, learned counsel for the respondent, the matter be listed after three weeks. It is submitted by Mr. Thapa that the original Sale Deed in question registered vide Book No.I, Volume No.V, Item No.665 for the year 1996 is releavnt for the just determination of the real points in controversy between the parties and as such it may be called for. In view of it, let the original Sale Deed be called for from the Office of the Sub-Registrar, East District, Gangtok, Sikkim. The matter be listed on 19-4-2005 for hearing. (N. Surjamani Singh) **Chief Justice(Acting)**	A copy of order and letter forwarded to Sub-Registrar, East on 18/3/05 18/3/05 Original Sale Deed recd from Sub-Registrar on 19.3.05 19/3

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3.	19-4-2005	As prayed for by Mr. N. Rai, learned counsel appearing for and on behalf of Mr. T.B. Thapa who is indisposed at the moment and went for treatment to Delhi, this matter be listed for hearing on 12-5-2005. Mr. S.K. Homechaudhuri, learned senior counsel assisted by Mr. B. Saha in his usual frankness raised no objection to the prayer. (N. Surjamani Singh) Chief Justice(Acting)	
4.	12-5-2005	As prayed for by Mr. J.K. Chandak, learned counsel, the matter be listed for hearing on 13-6-2005. Mr. T.B. Thapa, learned senior counsel assisted by Mr. A.J.Sharma, learned counsel who put their appearance on behalf of the sole respondent have no objection on the prayer of adjournment. (N. Surjamani Singh) Chief Justice (Acting)	
	rsr/		

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5.	13-6-2005	Upon hearing Mr. Home J.H. Choudhury, learned senior counsel assisted by Mr. Bijay Saha and Mr. J.K. Chandak, learned counsels for the petitioner/defendant and Mr. T.B. Thapa, learned senior counsel assisted by Mr. J.K. Prasad Jaiswal for the respondent/plaintiff, I am of the view that this revision petition can be disposed of finally with the following consent order:- The parties have no objection to add and implead one fresh issue namely "Whether the plaintiff's claim is based on collusive, void & fraudulent doduments?" According to me, to meet the ends of justice this issue is an important and essential one for just determination of the real points in controversy between the parties. In view of the above position, the learned trial Court shall treat this issue as Issue No.8 (additional issue) and the parties shall be afforded reasonable opportunities of being heard on all related issues including this additional issue in support of their respective cases. At this juncture, It is made clear that this Court is not interfering with the impugned order. Accordingly, I direct the trial Court to dispose	

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		of the Civil Suit No.1 of 2003 expeditiously in accordance with law. Parties are directed to appear before the trial Court on 24-6-2005 at 10.30 A.M. and thereafter, the trial Court shall pass necessary order in accordance with law. For the reasons, observations and directions made above, this Civil Revision is finally disposed of. But no order as to costs. The related records be sent to the trial Court immediately. Registry is to take follow up action in the matter. (N. Surjamani Singh) Chief Justice(Acting)	1. Entire trial Court record forwarded on 14.6.05. 2. Original Sale deed of Sub-Registrar's office. East Dist forwarded on 14.6.05. 14/6/05